

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE EICHLER,

Plaintiff,

No. CIV S-04-1108 GEB JFM P

vs.

CDC OFFICER SHERBIN, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis. On December 23, 2005, plaintiff filed a document entitled "Opposition to Third Amended Complaint." Rule 7 of the Federal Rules of Civil Procedure provides as follows:

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Fed. R. Civ. P. 7(a) (emphasis added). The court has not ordered plaintiff to reply to defendants' answer and declines to make such an order.

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1 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's
2 December 23, 2005 opposition will be placed in the court file and disregarded.

3 DATED: February 7, 2006.

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6 UNITED STATES MAGISTRATE JUDGE
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